

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

LINDA S. MARTINEZ,

Plaintiff,

vs.

Civ. No. 00-1784 WJ/WWD ACE

ELIAS GONZALES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion to Strike [docket no. 61] filed June 6, 2002. Plaintiff is distressed by the late blooming disclosure of fourteen additional individuals whom Defendants plan to call as witnesses at the trial of this cause. Defendants point out that rulings of the Court provide for disclosure of additional witnesses which is correct. It is also completely proper for Plaintiff to file a motion to strike in these circumstances; particularly, when Defendants make no attempt to show why none of these fourteen witnesses were previously disclosed to Plaintiff. Under the circumstances here presented, notwithstanding the general permission to add witnesses later in the litigation, I find that the witnesses listed in Defendants' Second Supplemental Initial Disclosures should be excluded.

**WHEREFORE**

**IT IS ORDERED** that Steve Boyce, Chuck Stockwell, Mary Smith, Rebecca Romero, Patrick Casias, Doug Dixon, Pat Salazar, Elias Gonzales, Sr., Kay Kessler, George Martinez, Leo Martinez, Anthony Fernandez, Patricia San Roman, and Deborah Decker be stricken from the witnesses which Defendants shall be allowed to call at the time of the trial of this cause.

  
UNITED STATES MAGISTRATE JUDGE